

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JACK J. DEMARTINI,

Plaintiff,

v.

RYAN C. WITT, *et al*,

Defendants.

Case No. C008-5106RBL-KLS

ORDER TO SHOW CAUSE

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the Court on plaintiff's filing of an application to proceed *in forma pauperis* and a civil rights complaint under 42 U.S.C. § 1983. To file a complaint and initiate legal proceedings plaintiff must pay a filing fee of \$350.00 or file a proper application to proceed *in forma pauperis*.

On February 15, 2008, the Clerk received plaintiff's complaint and application to proceed *in forma pauperis*. (Dkt. #1). On February 22, 2008, the Clerk sent plaintiff a letter informing him that his application was deficient. (Dkt. #2). Plaintiff has since cured that deficiency. (Dkt. #5). On March 17, 2008, however, plaintiff informed the Court that he expected to be released from custody on March 20, 2008, and provided a new mailing address to be in effect as of that date. (Dkt. #4).

1 As the Court has not been informed otherwise, it shall assume plaintiff is no longer in custody. It
2 is not clear, however, if plaintiff is now employed or otherwise receiving financial support from other
3 sources now that he is not incarcerated. As such, the Court at this time is unable to determine whether
4 plaintiff is entitled to *in forma pauperis* status.

5 Accordingly, the Court orders the following:

- 6 (1) Plaintiff shall seek to cure the above deficiency by filing **no later than April 26, 2008**, a
7 response indicating (a) his current means of financial support, if any, and whether or not he
8 anticipates that support continuing, and (b) any other financial resources he currently has
9 or expects to have at his disposal.

10 **Failure to cure this deficiency by the above date shall be deemed a failure to properly**
11 **prosecute this matter and the Court will recommend dismissal of this matter.**

- 12 (2) The Clerk is directed to send a copy of this Order to plaintiff.

13 DATED this 27th day of March, 2008.

14
15
16 

17 Karen L. Strombom
18 United States Magistrate Judge
19
20
21
22
23
24
25
26
27
28